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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Commemoration of the thirtieth anniversary of the Declaration on the Right to Development

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 31/4. It provides a summary of the panel discussion on the promotion and protection of the right to development in commemoration of the thirtieth anniversary of the Declaration on the Right to Development, held on 15 June 2016, during the thirty-second session of the Council.

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I. Introduction

1. Pursuant to its resolution 31/4, the Human Rights Council held a panel discussion on the promotion and protection of the right to development, in commemoration of the thirtieth anniversary of the Declaration on the Right to Development, on 15 June 2016, during its thirty-second session. The present report contains a summary of the panel discussion.

2. The objective of the panel discussion was to increase awareness among all stakeholders, including Member States, relevant bodies of the United Nations system, in particular human rights mechanisms, and specialized agencies, funds and programmes, as well as the international financial and trade institutions, of the distinct role and intrinsic value of the right to development. The panel sought to generate policy recommendations and practical measures for making the right to development a reality for everyone, in the context of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

3. The panel discussion was chaired by the President of the Human Rights Council and moderated by the Permanent Representative of Egypt to the United Nations Office at Geneva, Amr Ramadan. The panellists were the Secretary for Human Rights at the Ministry of Justice of Brazil, Flavia Piovesan (Brazil); the Permanent Representative of Jamaica to the United Nations Office at Geneva and Chair of the Geneva Chapter of the Group of 77, Wayne McCook (Jamaica); the Head of the Department of International Law and Human Rights and Director of the Human Rights Centre of the United Nations-mandated University for Peace in Costa Rica, Mihir Kanade (India); and the Executive Director of the South Centre, Martin Khor (Malaysia).

4. After the opening statement, the moderator introduced the topic and defined the scope of the discussion. The panellists subsequently made their initial statements, which were followed by an interactive discussion chaired by the President of the Human Rights Council. The discussion comprised two rounds of interventions by representatives of States, observers and non-governmental organizations with comments and questions from the floor, followed by comments and replies by panellists. The discussion concluded with final responses from the panellists and concluding remarks by the moderator.

II. Opening of the panel discussion

5. The President of the Human Rights Council opened the panel discussion. Subsequently, a video marking the thirtieth anniversary of the adoption of the Declaration on the Right to Development, prepared by the Office of the United Nations High Commissioner for Human Rights, was screened. The video explained that the Declaration defined development as an economic, social, cultural and political process aimed at the constant improvement and well-being of the entire population. However, development had been impaired by States not always respecting human rights in their development decisions, and inequalities in the world were growing. The Declaration was a road map for transformative change and called for accountability at all levels. It required States to be responsible for their actions at home and abroad. The right to development made development the right of all individuals and peoples.

6. In his welcoming remarks,[1] the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said that, 30 years ago, the Declaration on the Right to Development had broken new ground in the struggle for greater freedom, equality and justice. It acclaimed long-lost freedoms and independence, and reasserted equality for all nations and peoples, including their right to self-determination and their right to sovereignty over natural resources. The Declaration placed individuals at the heart of development, and it called for all to be empowered to participate fully and freely in vital decisions. It demanded equal opportunities and the equitable distribution of economic resources, especially for people traditionally marginalized, disempowered and excluded from development.

7. The Declaration called for better governance of the international economic framework and redefined development as far deeper, broader and more complex than the narrow, growth-and-profit focus of previous decades. Although some progress had been made towards realizing that vision, progress had been uneven, particularly for people in Africa, least developed countries, landlocked developing countries, small island developing States and most other developing countries. Persistent poverty and rising inequalities continued to rob people of their rights and fuelled multiple crises and conflicts. Trade and investment policies and agreements could also have profound implications on the realization of human rights. Recently, sprawling pacts known as megaregionals had begun to change the landscapes of trade and investment in quite unprecedented ways.

8. The High Commissioner affirmed that the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda of the Third International Conference Financing for Development and the Paris Agreement on climate change had set forth detailed and realistic programmes that built on each other, with the potential to transform the realization of human rights. The 2030 Agenda promised to end extreme poverty and promoted an integrated vision of development with shared responsibilities. That vision was born of the Declaration, which offered prevention since it promised solutions for root causes, including structural challenges at all levels. At the international level, the right to development addressed multiple challenges originating in a failure to adequately regulate globalization. The engines of globalization, such as trade, investment, finance and intellectual property, must be compatible with the human rights obligations of States.

9. The 2030 Agenda addressed many of the systemic obstructions that disadvantaged the poor, such as distorted trade frameworks and weak international governance over powerful transnational actors. It promised better regulation of global financial markets and an enhanced voice for developing countries in international economic and financial institutions. It committed all States to cooperate for international development and endorsed the principle of special and differential treatment. It also contained strong commitments to provide access to justice for all, with effective, accountable and inclusive institutions at all levels, and to end corruption.

10. Thus, the 2030 Agenda was a child of the right to development. It echoed the Declaration's emphatic call for "equal attention and urgent consideration" to the implementation, promotion and protection of all civil, political, economic, social and cultural rights, and its insistence that the promotion of, respect for and enjoyment of one so-called "category" of human rights could not justify the denial of other human rights and fundamental freedoms. Moreover, the right to development extended even beyond the massive global agenda of the Sustainable Development Goals; it offered a framework in which to address gaps and failures in responsibility, accountability and regulation in both

[1] The full text of the statement is available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20163&LangID=E.

national and global governance. As the Declaration on the Right to Development clearly stated, everyone, without distinction, was entitled to a social and international order in which human rights and freedoms could be realized. He underlined that the thirtieth anniversary of the Declaration must renew in everyone the spirit of multilateral action for the common good, which was the only hope for survival on the small and fragile planet shared by all.

III. Summary of the panel discussion

11. In his opening remarks, Mr. Ramadan underlined the importance of the panel in the light of the recent significant developments intrinsically related to the realization of the right to development in its diverse aspects. The thirtieth anniversary of the Declaration on the Right to Development was to be celebrated as it marked the recognition of development as an inalienable and independent human right. However, he expressed concern that the progress achieved in the realization of the right had been uneven, as demonstrated in Africa, the Middle East, least developed countries, landlocked developing countries and small island developing States.

12. Nonetheless, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and the Paris Agreement had paved the way for realizing the aspirational vision embodied in the Declaration. The 2030 Agenda, in particular, constituted an important vehicle for the realization of the right to development. It set a transformative vision for people that aimed at the realization of the various human rights that formed part and parcel of the right to development. Mr. Ramadan affirmed that as the Vienna Declaration and Programme of Action recognized while lasting progress towards the implementation of the right to development required effective development policies at the national level, it also necessitated equitable economic relations and a favourable economic environment at the international level.

13. Mr. Ramadan highlighted the pivotal role played by the Working Group on the Right to Development, which monitored and reviewed progress in the promotion and implementation of the right to development at the national and international levels. He hoped that the progress achieved in its work, particularly in formulating a set of standards for implementing the right to development, would assist the endeavours exerted to that end. The vision of the Declaration must be the guiding force in the implementation of the 2030 Agenda and the Addis Ababa Action Agenda in a comprehensive, equitable and balanced process that addressed the main pillars of development by inter alia, enhancing international cooperation and exchange of expertise in a way that ultimately left no one behind.

14. Mr. Ramadan outlined the guiding questions for the panel discussion: How can the United Nations system, in particular human rights mechanisms, contribute to the implementation and realization of the right to development? How can the United Nations system help to overcome the existing challenges around the right to development as an independent and distinct right? What role can international cooperation play in the realization of the objectives enshrined in the Declaration on the Right to Development? How can the implementation of the 2030 Agenda contribute to the implementation of the Declaration on the Right to Development, with a view to achieving inclusive, equitable and sustainable development for all? How can the right to development be operationalized to create an environment conducive to achieving the Sustainable Development Goals, in particular Goal 17 on strengthening the means of implementation and revitalizing the global partnership for sustainable development? What ways and means can be pursued to integrate, claim and build capacity on the right to development among all stakeholders?

A. Contributions of panellists

15. Ms. Piovesan recalled that 30 years ago the United Nations adopted the Declaration on the Right to Development, which established a framework that provided individuals and peoples, both domestically and globally, the right to equitable, sustainable and participatory development in accordance with the full range of human rights and fundamental freedoms. The incorporation of a human rights-based approach to development was among the greatest achievements of the Declaration. Since then, that approach had guided the integration of norms, standards and principles of the international human rights system into the plans, policies and processes of development, including the 2030 Agenda and the Sustainable Development Goals.

16. It was essential to review the Declaration's contributions and explore its perspectives, inspired by the human rights-based approach to development as well as by the development approach to human rights. By making the human person the central subject of development through their active participation in development instead of being mere beneficiaries, the Declaration played a crucial role in redefining development, shifting it from the purely economic dimension based exclusively on gross domestic product to a conception based on the human dimension and human dignity. The Declaration took a holistic, human-centred approach to development, seeing it as a comprehensive process aiming to improve the well-being of all individuals on the basis of their active, free and meaningful engagement and the fair distribution of its gains.

17. The attributes and components of a human rights approach to development were social justice, participation, accountability and transparency, and international cooperation. Concerning social justice, the Declaration recognized development as an economic, social, cultural and political process aimed at the constant improvement of human well-being. Nevertheless, there was a process of feminization of poverty, as women constituted 70 per cent of the people who lived in poverty. About 80 per cent of the world's population lived in developing countries, marked by low income and educational levels and high rates of poverty and unemployment; 85 per cent of the world's income went to the richest 20 per cent, whereas 6 per cent went to the world's poorest 60 per cent. The answer of the Declaration was that, in promoting development, equal consideration must be given to all human rights as incorporated in the 2030 Agenda, especially the eradication of poverty, gender equality and reduced inequalities.

18. Ms. Piovesan, quoting Mary Robinson on the right to development, stated that the great merit of a human rights approach was that it drew attention to discrimination and exclusion. It permitted policy makers to identify those who did not benefit from development. Its democratic component embraced participation, accountability and transparency. The Declaration was the only international instrument that made the nature of participation in development so explicit. In its pursuit of peaceful and inclusive societies, justice for all and effective, accountable and inclusive institutions at all levels through Goal 16, the 2030 Agenda reinvigorated the Declaration's principle of participation. Political liberties and democratic rights were among the constituent components of development, since democracy was conditioned not just by institutions, but by the extent to which different voices could be heard.

19. Regarding international cooperation, the Declaration foresaw that States had a duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development. They were bound to cooperate in ensuring development and eliminating obstacles to development. In that sense, Goal 17 of the 2030 Agenda demanded further strengthening of international cooperation. The former high-level task force on the implementation of the right to development had identified criteria regarding the responsibilities of States acting

collectively at the global and regional levels in that regard. Those criteria included stability, rule of law, predictability, non-discrimination, peace, security, democracy, transparency, accountability, human rights and a fair distribution of the benefits and burdens of development.

20. Ms. Piovesan stressed that a basic value of the right to development was solidarity, which invoked the principle of shared responsibility in the global order. She concluded by recalling that the 2030 Agenda was informed by the Declaration, and that the Declaration remained a dynamic and living instrument capable of addressing the contemporary challenges of advancing global democracy and global justice based on solidarity, international cooperation and participation, and the active engagement and creativity of civil society; development was therefore an empowering process.

21. Quoting Bob Marley, "Them belly full but we hungry, a hungry mob is an angry mob", Mr. McCook stated that the right to development, encompassing civil, political, economic, social and cultural rights, was a globally accepted right that laid the foundation upon which the international community based the promotion and protection of fundamental human rights. He warned that while the international community had agreed on the right to development, it could not assume that the task was done by simply agreeing that it was so. States must commit to taking the steps to realize the right to development and recognize that the right must be promoted and protected by all.

22. Mr. McCook recalled that the holistic approach of the right to development was first taken by Jamaica which, on gaining independence in 1962, called for human rights to be placed at the centre of the global agenda. Jamaica had come from a legacy of slavery and colonization and therefore called for commitments to ensure that those and other practices of the past would be banished from collective values and replaced with fundamental commitments that would secure for future generations the rights denied in the past. The narrative of the human right to development had for too long been about statistics instead of people. Development was not merely growth; it was a measure of the opportunity to which such growth should be directed. Therefore, the right to development was vital to the human rights agenda because it came after sober reflections on abuses.

23. The right to development recognized that human rights had been brutally sacrificed at the altar of economics and commerce, the most horrific manifestation of which was the transatlantic slave trade. The ultimate purpose of commerce and economics, social and cultural development should be to serve the human person. To pursue the right through policy measures, affirmative actions were needed to help restore the balance and bring equity. The fundamental principles of the 2030 Agenda enjoyed natural synergies with the Declaration that could be harnessed by moving from rhetoric to reality and putting to rest the debate about a "hierarchy of rights". The right to development was an enabler of other rights. Social harmony and the freedoms that we cherished could best be attained when societies were free from the risk of being drowned in poverty and destitution.

24. Furthermore, domestic agendas demanded increasing obligations. Freedom from fear and want would be achieved by placing the human person before economic, social, and cultural development. The right to development could not be squared with systems that relied on unequal structures. It was a human right in which all peoples were entitled to participate; it recognized the interlinked relationship between rights and development processes.

25. Mr. McCook stressed that in implementing the Sustainable Development Goals, inequity should not be crystalized but corrected by taking affirmative measures. The solemn pledge of the 2030 Agenda to leave no one behind and its affirmation that the dignity of the human person was fundamental left no doubt. In order to implement the right to development and the Goals, States must begin moving towards fulfilling the ambitious

goals that had been set. The 2030 Agenda had reinforced the duty to eradicate poverty and hunger, which were the biggest threats to the realization of the right to development.

26. Mr. Kanade said that it was indispensable to operationalize the right to development and that the only way forward for realistically implementing the Sustainable Development Goals as envisioned in the 2030 Agenda. That meant embedding the implementation of the Goals firmly within the normative framework provided by the Declaration. He offered specific scenarios for what that would entail.

27. In that context, focus should be placed not only on the outcomes that must result from the implementation of the 2030 Agenda, but equally on the processes through which those outcomes must be achieved. That included participation by all stakeholders as well as respecting the policy space of States and their people in determining and implementing their own development priorities. While Goal 17 focused on what was to be achieved, it was only by operationalizing the right to development that focus would be placed on how it was achieved as well. Additionally, operationalizing the right to development meant that development, in order to be sustainable, must not be seen as a charity, a privilege or an expression of generosity, but as a right of human beings everywhere.

28. All States were duty bearers with respect to the right to development. That duty extended to international decision-making, including at the United Nations, the World Bank, the International Monetary Fund and the World Trade Organization. Thus, States would be failing in their obligations if they created international lending policies or multilateral trade rules that were unfavourable to the realization of the right to development. Goal 17 emphasized strengthening the means of implementation through a revitalized global partnership for sustainable development; it was an expression of the duty of States towards international cooperation, enshrined in the Declaration and in the Charter of the United Nations.

29. The operationalization of the right to development also required a comprehensive, multidimensional and holistic approach to development as a human right. That meant that all the Sustainable Development Goals must be aligned with human rights and promote their realization. Furthermore, no goal should be achieved at the cost of any human right, whether substantive or procedural. In that manner, the right to development ensured that there was no trade-off between rights. There was a need to go beyond a human rights-based approach to development, which focused on linking and aligning the objectives of development projects to specific human rights norms, standards and principles. Mr. Kanade argued that a right to development approach went further, making development itself a self-standing human right.

30. Such an approach would require not only that recipients of international cooperation fulfilled their human rights obligations internally through accountable and transparent institutions, but also that donors were duty bound by human rights principles in providing financial or technical aid for the implementation of the 2030 Agenda. That included ensuring that developing countries had the necessary policy space to define their own development priorities and their own mechanisms for implementing them; it also required ensuring that donors refrained from imposing conditions on financial and technical aid which violated national policy space and human rights.

31. Finally, it was important to ensure that the indicators for the Sustainable Development Goals and targets were compatible with the objective of making the right to development a reality for everyone. That included clear, quantifiable indicators for both national and international action, with appropriate benchmarks for each goal, particularly Goal 17. The Sustainable Development Goals should be seen as an expression by States of their individual and collective intention to fulfil their obligations under the Declaration. In

sum, the right to development was the human rights avatar of the Goals while the Goals were the policy expression and plan of action for operationalizing the right to development.

32. Mr. Khor recalled some of the important elements of the right to development. As a human right, every human person and all peoples were entitled to participate in, contribute to and enjoy development in which all rights and freedoms could be fully realized. It was people-centred, since every person and all peoples were the central subject of development and should be both active participants as well as beneficiaries of development. It gave responsibility to each State to take measures to fulfil its people's right to development and required sustained action to promote more rapid development of developing countries, including through effective international cooperation. Thus, it implicitly recognized the imbalances and inequities in the existing international order that hindered countries from implementing the right.

33. There were obstacles to the realization of the right to development at the national and international levels, and Mr. Khor encouraged all stakeholders to identify, diagnose and address them. To that end, it was useful to make use of the practical relevance of the right to development and to elaborate on some of the key global issues of the present time and how they affected its implementation. One issue was the crisis in the global economy. Among other factors, economic sluggishness in developed countries, the plunge in commodity prices, fluctuations in the inflow and outflow of funds as a result of speculative capital flows and fluctuations in the value of currencies owing to lack of a global mechanism to stabilize them had adverse impacts on developing economies. Growth rates had fallen in Africa and elsewhere and some countries were on the brink of another debt crisis.

34. There were also challenges in implementing appropriate development policies, including those related to agricultural production: how to ensure adequate livelihoods and incomes for small farmers along with national food security. Countries that aimed to industrialize faced the challenges of climbing the ladder, from starting viable, low-cost industries to establishing labour-intensive industries to moving up to higher-technology industries. There were also challenges to building a range of services, including health and education, water supply, energy and transport, as well as financial and commercial services. The trend towards liberalization, including as a result of loan conditionality, and towards trade and investment agreements also constrained policy space. In particular, investor-State dispute settlement provisions favourable to foreign investors could entail higher costs for States, constraining their policy-making ability.

35. Climate change was the ultimate example of an environmental constraint to development and the right to development. Statistics had shown that it was imperative to cut global emissions as sharply and as quickly as possible. There was a risk that the burden of addressing this issue would be passed on mainly to developing and poorer countries and to the poor and vulnerable within countries. A global agreement and national agreements to tackle climate change had to be environmentally ambitious, socially fair and economically viable. The Paris Agreement of 2015 showed that it was possible to reach a multilateral agreement on an issue that threatened human survival. However, Mr. Khor warned that the Paris Agreement was not ambitious enough to save humanity, and that it did not demonstrate that the promise of transfers of financing and technology to developing countries would be kept.

36. Antimicrobial resistance was another challenge to the realization of the right to development. Some strains of bacteria had become resistant to multiple antibiotics, and a few had become resistant to all antibiotics. The identification of two genes that had the ability to easily spread resistance to other species of bacteria illustrated the level of danger. The actions needed to confront this challenge included better surveillance of the markets for pharmaceuticals; measures to drastically reduce the overuse and incorrect use of antibiotics,

including control of the unethical marketing of drugs, control of the use of antibiotics in livestock, education of the public, and discovery of new antibiotics. Developing countries required funds and technology, as well as access to existing and new antibiotics at affordable prices.

37. Finally, the challenge of meeting the targets of the Sustainable Development Goals was closely connected with the right to development. However, in the absence of adequate means of implementation, the Goals would remain only noble aims. There was a need for international cooperation in the provision of finance and technology to developing countries; establishing appropriate international rules in trade, finance, investment, intellectual property and technology; and increased sensitivity in policy-making in developed countries. The approach and instruments of the right to development would complement the implementation of the Sustainable Development Goals. In turn, the fulfilment of the Goals would be helpful for the realization of the right to development.

B. Interactive discussion

38. Representatives of the following States took the floor during the discussion: Algeria, Bangladesh, Bolivia (Plurinational State of), Brazil (on behalf of the Community of Portuguese-Speaking Countries), China (on behalf of a like-minded group), Cuba, Dominican Republic (on behalf of the Community of Latin American and Caribbean States), Ecuador, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran (Islamic Republic of) (one statement on behalf of the Non-Aligned Movement, another in its national capacity), Jordan, Malaysia, Namibia, Nigeria, Pakistan, Philippines, Portugal, Saudi Arabia, Senegal, Sierra Leone, South Africa (one statement on behalf of the Group of African States, another in its national capacity), Sri Lanka, Tunisia, United Arab Emirates, United States of America and Venezuela (Bolivarian Republic of). Representatives of the European Union and the Organization of Islamic Cooperation also participated in the discussion.

39. Representatives of the following non-governmental organizations took the floor: Action Canada for Population and Development, Arab Commission for Human Rights, Associazione Comunità Papa Giovanni XXIII in a joint statement,[2] China Society for Human Rights Studies, Indian Council of South America, International Council Supporting Fair Trial and Human Rights, International Youth and Student Movement for the United Nations and ONG Hope International. The following States and governmental and non-governmental organizations were unable to made statements owing to lack of time: Greece, Honduras, Italy, Kenya, Libya, Panama, Paraguay, Singapore, Sudan, Suriname, Syrian Arab Republic, Cooperation Council for the Arab States of the Gulf, China Foundation for Poverty Alleviation and Espace Afrique International.

40. The speakers who took the floor affirmed that the realization of the right to development was a necessity and required political will to ensure a better future for all. The right to development must not be reduced to a secondary right; it must be central to the implementation of the 2030 Agenda and not be limited to the goals of eradicating poverty and ensuring access to adequate housing, among others. A speaker advocated a rights-based approach to sustainable development, with all human rights respected on an equal footing

[2] On behalf of Association points-cœur; Company of the Daughters of Charity of St. Vincent de Paul; Dominicans for Justice and Peace; Order of Preachers; Edmund Rice International; International Movement of Apostolate in the Independent Social Milieus; International Organization for the Right to Education and Freedom of Education; International Volunteerism Organization for Women, Education and Development; Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco; New Humanity; Pax Christi International; and Teresian Association.

and respecting the core principles of non-discrimination, inclusion and participation, transparency and accountability. States, acting individually and collectively as duty bearers, had the primary responsibility to their citizens as rights holders to guarantee that the right to development was realized.

41. Speakers emphasized that achieving the Sustainable Development Goals would require action by all stakeholders, including civil society and the private sector. Looking ahead, the international community must promote a model of sustainable development which was inclusive and collaborative and which respected and promoted the realization of all human rights, ensuring that no one was left behind. In practice, that meant strengthening the United Nations human rights mechanisms and better integrating human rights principles with development efforts. By adopting the Addis Ababa Action Agenda, the international community had committed to financing the 2030 Agenda and to not leaving anyone behind, with significant implications for human rights. The 2030 Agenda would be achieved only if goals were not politicized. The international community needed to eradicate extreme poverty and implement inclusive growth.

42. Speakers stressed the view that the right to development was a comprehensive right that was mutually interdependent on all other rights. To eliminate obstacles to the reform of the political-economic order, the right to development must be recognized as an inalienable right. The 2030 Agenda had been inspired by the Declaration and the obligations therein must be implemented in the spirit of common and shared responsibilities. Human rights mechanisms must give due priority to the realization of the right to development. International cooperation played an essential role in the realization of the right to development and it was therefore crucial to establish a favourable external environment for its realization.

43. A speaker recalled that long before the adoption of the Declaration, the issue of development had already been high on the African agenda. The development of African people rested with African States, and cooperating with each other was necessary to eliminate obstacles to development. Long-term progress towards the implementation of the right to development required effective development policies at the national level, but also needed equitable economic relations and a favourable economic environment at the international level. The international community should also acknowledge its duty to promote effective international cooperation for the realization of the right to development and work constructively towards the elimination of obstacles to development.

44. The Human Rights Council must analyse ways and means for the effective realization of the right to development in the framework of the 2030 Agenda. Thirty years after the adoption of the Declaration, the discussion on whether development was a right must be overcome and attention must turn to the implementation of the obligations under the Declaration. The unanimous adoption of the 2030 Agenda was a crucial step forward in the recognition and realization of the right to development and of all human rights for all human beings in all countries. The 2030 Agenda and the Declaration were based on the principles of the Charter of the United Nations. The right to development was a fundamental right which embodied all other rights, and its universal applicability meant that all States were equally responsible for its implementation.

45. A speaker noted that the current model of development was not sustainable and that collective action by all economies was necessary to reactivate growth, particularly in developing countries, while threats such as inequality, insecurity and lack of peace must be addressed. Respect for the right to development should be expressed in terms of support and assistance, including through multilateral channels, to many countries to promote their development. Several speakers stressed that States had the right and the duty to formulate appropriate national development policies that suited their concrete political, economic,

social and cultural conditions and that the absence of peace, the increase of terrorism and climate change were increasing impediments to the full realization of this right.

46. Developing countries across the world strove to guarantee full realization of the right to development as an inalienable and independent human right by virtue of which all human rights could be fully realized and all people could enjoy economic, social, cultural and political rights. States shared the same desire and ambition to be able to provide adequately for the basic needs of their people, thereby ensuring a dignified life for all. The lack of development opportunities posed a serious threat to the well-being of the citizens of developing countries and contributed to instability and conflict. Without equal development opportunities States could not provide adequately for the housing, health, education and nutritional needs of their people, which increased risks of major setbacks in the face of natural disasters or the outbreak of disease or conflict.

47. Speakers stressed that development was a comprehensive process and that attention should be given to the promotion and protection of all rights equally. All stakeholders were called upon to implement fair strategies based on cooperation. The right to development should be recognized as a separate right and not be incorporated with other rights in the name of mainstreaming. Truly sustainable development depended on Governments following the rule of law, among many other factors, and to ensure successful development, countries had to address discrimination against women, which was a reality recognized in the Sustainable Development Goals.

48. Implementation of the right to development promoted the need for better governance of the international framework. The Declaration was as pertinent at the present time as it was thirty years ago. It was pointed out that history bore the marks of colonialism and slavery and the imposition of an unequal international order, and that since the adoption of the Declaration it had become necessary to promote an enabling environment based on solidarity. A speaker added that development was primarily a political issue, and that some developed countries were seeking to make the right to development relative.

49. A speaker stressed that the Declaration was one of the pillars of the human rights system and had to be developed locally, regionally and internationally. It was recalled that a minority of countries had not joined the consensus when the Declaration was adopted. Despite recent commitments by world leaders, such as the Sustainable Development Agenda, tangible steps had to be taken if the right to development was to be realized. A speaker said that best practices from Latin America could be replicated around the world, and developed countries needed to adhere to the minimum levels of development assistance. The problem of inequality must be approached through the recognition of different stages of development and different approaches and visions for the future.

50. The importance of developing cooperation and partnerships at the international level, establishing adequate policies at the national level and finding resources to implement human development plans was stressed. Additional international efforts were needed to mobilize the resources needed to realize the right to development, and the adoption of the 2030 Agenda had been a step in the right direction; however, it was also necessary to revise the global trade system. A speaker affirmed that the denial of the right to self-determination and the right of countries to govern their own natural resources was among the key obstacles to the realization of the right to development. The Human Rights Council and its mechanisms must ensure that the right to development was mainstreamed in its own work and in the wider United Nations system.

51. A speaker commented that the international community had a duty not to stand in the way of development processes for the most disadvantaged individuals, and expressed regret over the political impasse in the Working Group on the Right to Development. Another stressed that the right to development should be based on the interdependence of

all human rights and that the role of the State had been fundamental in creating a far-reaching set of rights, adding that it was time to translate words into deeds.

52. In their statements, representatives of non-governmental organizations said that the principles of the right to development were found in many instruments and yet remained aspirational and non-implementable. The efforts towards realizing the right to development must not exclude the right to equal participation and consent of indigenous peoples, including the right to say no to certain aspects of development. A speaker asked what measures the international community could propose to allow the Working Group on the Right to Development to overcome its impasse and achieve a binding international instrument.

53. Some speakers advocated the adoption of a binding international instrument on the right to development. Highlighting that the right to development was fundamental in meeting the challenges of our time, they called for the Human Rights Council to formally include the Declaration on the Right to Development in the International Bill of Human Rights. A speaker criticized the practice of some States that had refused to adopt the right to development and only spoke about basic services; other States refused to adopt domestic indicators to measure the right to development and only called for international cooperation. The Addis Ababa Action Agenda and the 2030 Agenda showed that the international community was able to overcome such obstacles.

54. A speaker pointed that the Declaration adhered to the founding human rights principles of the Charter of the United Nations. The right to development was universal and its implementation was necessary in all countries and in all regions in order to ensure that no one was left behind anywhere. It was affirmed in all its dimensions as an inalienable human right, addressing not only the symptoms but the underlying structural causes of poverty, inequality, injustice and discrimination. Both North-South and South-South cooperation were required for its realization. The lack of global awareness of the Declaration and its slow pace of implementation needed to be urgently addressed. The consensus from the World Conference on Human Rights, held in Vienna in 1993, must be honoured with real progress at the Human Rights Council and in the Working Group on the Right to Development.

55. It was stated that the discussions on whether the right to development was a human right did not make the responsibilities of States any less prominent. Since there could be no human rights without addressing human needs, the right to development ought to be fully addressed. A speaker noted that the development of human rights needed a reliable and safe environment. For individuals, the best way to achieve their rights was through the rule of law and legal proceedings.

56. The results in the realization of the right to development were uneven, with many countries finding themselves in a situation of regression and many developing countries crushed under the burden of debt. Speakers expressed disappointment at the delay in the adoption of meaningful criteria and operational sub-criteria for the realization of the right to development in the Working Group on the Right to Development.

C. Responses from panellists

57. The moderator summarized the questions asked during the two rounds of interactive discussion, commenting that most speakers had highlighted the fact that there could be no trade-off between different human rights. The role of both the national and international architecture was paramount to the success of the implementation of the right to development and a human rights-based approach seemed essential, while obstacles to its achievement were recognized. Speakers had raised the issue of including the Declaration on

the Right to Development in the International Bill of Human Rights. The moderator offered the floor to panellists to respond to the issues raised and to make concluding remarks.

58. Ms. Piovesan stated that the Human Rights Council was a strategic and special forum for promoting international cooperation. The 2030 Agenda was characterized by its universality and informed by the same principles as the Declaration on the Right to Development, placing the human person at the centre of development. Transfer of technology was an important aspect to be considered, as it could help developing countries reach higher levels of development. The empowerment of women was an essential condition for advancing the right to development.

59. Mr. McCook addressed the question of traditional knowledge and indigenous peoples, stressing the importance of internal policy dialogue among stakeholders, the use of national legal systems and effectively joining norm-setting processes. To that end, knowledge-sharing should be enhanced by holding seminars, in non-negotiating settings; when negotiations were held, representatives of indigenous groups must be invited to participate to further cement their already strong engagement. The right to development recognized the right of indigenous communities to sovereignty over their national resources. Past doctrines were of the view that some human beings had no rights to property or wealth by virtue of their seeming differences. The legacy of unjust historical conditions must be repaired.

60. Mr. Kanade affirmed that one of the most important roles of the Human Rights Council and the special procedures was to set and strengthen the agenda to promote the right to development not as charity or a privilege granted by donor States, but as a duty. Education was an essential element in this endeavour. The rights-based approach to development tended to focus more on national action, but it needed to give equal consideration to the international aspect as well. Concerning indigenous rights, Mr. Kanade was of the view that the United Nations Declaration on the Rights of Indigenous Peoples explicitly recognized the right to development as an inherent right of all indigenous peoples and entailed an obligation on the part of the State to develop and protect traditional knowledge.

61. Mr. Khor stressed that the Human Rights Council should continue to promote the right to development and take advantage of the thirtieth anniversary to enhance its visibility. A number of working groups were dedicated to key issues, such as the rights of peasants and business and human rights, but action was still lacking. The Council must build a relationship with the bodies of the Secretariat responsible for the promotion and coordination of the implementation of the Sustainable Development Goals, while reconceptualizing and expanding the its role and the role of the Working Group on the Right to Development. Regarding the protection of traditional knowledge, a definition of what constitutes appropriation of traditional knowledge for private gains was needed. An idea to be considered was to limit the possibility of patenting traditional knowledge. States must help indigenous peoples and local communities protect and promote the transmission of traditional knowledge from one generation to the next.

IV. Concluding remarks by panellists

62. After the interactive discussion, panellists were given the opportunity to make concluding remarks.

63. Ms. Piovesan highlighted some of the challenges in realizing the right to development. It was imperative to develop indicators based on sound methodologies, in order to allow for assessments and to shape policies, programmes and measures. The adoption of a binding international treaty on the right to development was essential; to do

this it was necessary to overcome the ideological polarity dividing States. Ratification of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights was also necessary to realize the right to development. International financial institutions should be reformed and trade and technology transfer must be increased. International cooperation and action by private actors for the promotion of human rights was imperative. Lastly, it was necessary to exchange "best practices" for the promotion of a human rights-based approach to the right to development.

64. Mr. McCook affirmed that the international community was clearly able to add a development dimension to the human rights discussion. The question was whether the Human Rights Council could develop a way to enable ongoing assessments of the implementation of the Declaration using its regular processes. The issues raised during the discussion intersected as the relationship between sustainable development and human rights had been addressed in the 2030 Agenda, which was informed by the right to development. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had very explicit processes (i.e., the respective committees) for reviewing progress in meeting the commitments of the 2030 Agenda and implementing the right to development.

65. Mr. Kanade recalled that the Millennium Development Goals had emanated from the Millennium Declaration, and the 2030 Agenda was also grounded in that declaration. International cooperation included financial cooperation as well as technical cooperation and capacity-building. Development priorities needed to be determined by the recipients. The right to development had been recognized in several United Nations declarations to remind the international community that States needed to define development as a right for everyone. He concurred that the 2030 Agenda had been informed by and grounded in the right to development. The universal periodic review mechanism was an appropriate forum for the evaluation of national and international human rights in the implementation of the right to development.

66. Mr. Khor affirmed that it was important for all businesses to adhere to guidelines on ethical behaviour and to implement those already adopted by the Human Rights Council. If they did not adhere to guidelines, some action must be taken. For example, following the BP oil spill in 2010, the United States was able to require the company to compensate both the authorities and the local people who were affected. However, smaller countries would not necessarily be as able to pursue reparation, because multinational corporations were very powerful and took advantage of transnational escape routes. An international human rights mechanism should therefore be set up to enable victims of human rights violations to seek redress when they were not able to get such redress through national mechanisms.

67. In closing the discussion, the moderator encouraged participants to continue the dialogue within and beyond the Human Rights Council in the collective search for policy recommendations and practical measures for making the right to development accessible to everyone. Mr. Ramadan underlined that the panel discussion had been a reminder of the distinct role and value of the right to development, which provided renewed hope for present and future generations.